

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KAITLYN TIKKUN,

Plaintiff,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

05 Civ. 9901 (RJS) (JCF)

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DATE FILED: 4/22/08

Plaintiff having moved by letter dated January 22, 2007 [sic] for an order precluding certain evidence and compelling discovery, it is hereby ORDERED as follows:

1. Plaintiff's application to preclude evidence concerning MAPL, PASS, and the plaintiff's pre-arraignment medical screening is granted to the extent that, absent extraordinary circumstances, defendants shall not be permitted to rely on previously undisclosed witnesses to present evidence on these topics.

2. Defendants' application to bifurcate and stay Monell discovery is denied. Such a procedure would further delay resolution of this action and would be more costly and disruptive.

3. By May 16, 2008, defendants shall produce for deposition the NYPD sergeant who served as the LGBT liaison in the office of the Chief of Department in 2001 or shall provide plaintiff's counsel with that person's name and last known address.

4. Plaintiff's application to redepose Chief Patrick Devlin and Chief of Department Joseph Esposito is denied without prejudice to being renewed once it is determined whether they will be

5. Defendants need not respond to plaintiff's interrogatories requesting the identity of "final policy makers," as the requests are vague and ambiguous and seek information more efficiently obtained by deposition.

6. By May 16, 2008, defendants shall answer interrogatories 5, 6, and 7 of Plaintiff's Second Set of Interrogatories.

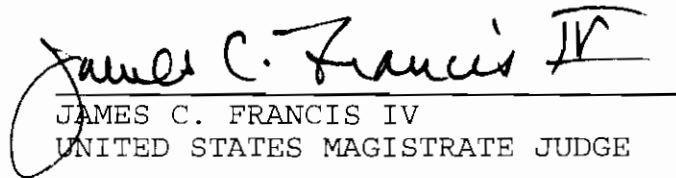
7. Plaintiff's application for an order directing defendants to produce the memo book of Sergeant Evelyn Rivera is denied; Sergeant Rivera has testified that she did not maintain a memo book during the RNC.

8. Plaintiff's application for an order requiring defendants to produce records of Sergeant Rivera's pending CCRB proceeding is granted but production is stayed until that proceeding has concluded.

9. By May 16, 2008, defendants shall produce all documents, including "49's," related to Chief Devlin's April, 2001 and May 7, 2004 memoranda or shall submit a statement explaining the efforts undertaken to locate such documents.

10. By May 16, 2008, defendants shall produce all documents relating to changes in 2003 to the NYPD new recruitment training curriculum concerning interacting with LGBT individuals.

11. Defendants need not respond to plaintiff's request for documents relating to the arrest and detention of two "transvestites," as the request is vague and ambiguous.

  
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
April 22, 2008

Copies mailed this date:

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